

5387. Adulteration and misbranding of vinegar. U. S. * * * v. 80 Barrels * * * of Vinegar. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 7912. I. S. No. 11231-m. S. No. C-599.)

On December 13, 1916, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 80 barrels of vinegar, remaining unsold in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped on October 30, 1916, by the Security Trust Co., receiver for the Williams Brothers Co., Detroit, Mich., and transported from the State of Michigan into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that waste vinegar reduced with distilled vinegar or dilute acetic acid had been mixed and packed with the article so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for pure apple cider vinegar.

Misbranding was alleged for the reason that the statement on the barrels, to wit, "Williams Pure Apple Cider Vinegar Full Strength. Made by The Williams Brothers of Detroit * * *," was false and misleading in that it represented to the purchaser that the article consisted of pure apple cider vinegar, whereas, in truth and in fact, waste vinegar reduced with distilled vinegar or dilute acetic acid had been mixed and packed therewith, so as to reduce, lower, and injuriously affect the quality and strength of said article. Misbranding was alleged for the further reason that the statement, to wit, "Williams Pure Apple Cider Vinegar. Full Strength * * *," appearing on the said barrels, deceived and misled the purchaser into the belief that the article was a pure cider vinegar, whereas, in truth and in fact, it was an imitation of pure apple cider vinegar, and was offered for sale under the distinctive name of another article, to wit, pure apple cider vinegar.

On March 1, 1917, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*